UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,007	11/09/1999	KIA SILVERBROOK	AP08-US	7399

7590 08/13/2002

KIA SILVERBROOK
SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN NSW, 2041
AUSTRALIA

EXAMINER
SAGER, MARK ALAN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/437,007	Silverbrook
Examiner	**Art Unit**
Sager	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jun 3, 2002* .

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-17* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

MARK SAGER
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 103

1. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverbrook (5566290) or alternatively, Silverbrook ('290) in view of Matoba et al (5666141). This holding is maintained from prior action which is incorporated herein. Response to Applicants' remarks are provided below and incorporated herein.

Response to Arguments

2. Applicant's arguments filed June 3, 2002 have been fully considered but they are not persuasive. Regarding Applicants remark that 'Silverbrook ('290) does not disclose a printer that is integral', the examiner respectfully disagrees that the printer is 'non-integral'. Examiner agrees that 'integral' implies something is part of a whole and in this instance, Silverbrook teaches a electronically connected printer and thus 'integral', as broadly claimed, so Silverbrook's multi-media device can provide a hard copy of game or educational state (2:54-64, 3:45-50, 58-65). Essentially, examiner maintains that Silverbrook's multi-media device utilizes interactive games or educational programs (3:62-65) comprising an equivalent processing and operating means for executing interactive program stored on (fig. 2, ref. 50, 63, 70) an equivalent detachable interactive program storage means (2:4-6, ref. 11, 21, 64, 78) for execution by device, an equivalent communication means including wireless communication for detachable controller (2:10-13) whereby remote control of device is enabled at a distance to enable operational interaction from control devices during execution of program (2:6-18; 3:45-50, fig. 2, ref. 67, 91) and an equivalent integral printer apparatus (2:54-64; 3:45-50) including an integral internal print media supply unit using sheets of paper while being operatively associated with processing means

to print out images on paper relevant to interactive program including predetermined positions in said program as determined by program such as in educational certificates or game state as conventional (2:54-64, 3:45-50). Silverbrook's printer performs the function of providing print out of images of program (educational or game) so as to be part of the whole of the device due to it being electronically connected thereto and thus integral with Silverbrook's device. In arguendo, to accept Applicant's assertion that the printer is both external and 'non-integral' due to reference to data network, Silverbrook's multi-media device would be inept to provide a hard copy of state of game or educational state. Such is contrary to Silverbrooks'' teachings of an integral printer for providing output (2:54-64, 3:45-50, 58-65). Therefore, Applicant's argument is not persuasive.

Further, it is noted Silverbrook ('290) teaches an equivalent detachable storage means (supra); however, it is not the particular DVD technology (clm 12). DVD player module for utilizing DVD programs/movies is notoriously well known for increased storage capacity due to compression techniques and for providing improved graphics/sound which are known aspects of DVD technology. Therefore, it would have been obvious to an artisan at a time prior to applicant's invention to add DVD as notoriously well known to Silverbrook's multi-media device for improved graphics/sound and increased storage capacity to provide enriched output and larger multi-media files to be stored/played. Further, alternatively regarding 'DVD' (clm 12), the equivalence of claims 13 and 14 each to claim 12 is noted. The difference between these features and that which is clearly taught by Silverbrook lies in the particular type of detachable program storage means provided. As this feature is a variation of providing detachable program storage as

is notoriously well known, such would have been obvious to one of ordinary skill in the art in implementation of Silverbrook. Absent criticality, specific detachable storage falls within the realm of choice by game designers, when implementing a particular program storage (memory device) onto Silverbrook's multimedia device. The lack of criticality of the specific recitations of claimed invention is evidenced by program storage in the art which further demonstrates these variations to be equivalent choices. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add 'DVD' as an equivalent program storage means to Silverbrook's multimedia device in order to increase portability to other storage platforms so as to increase the library of stored material such as programs/movies. Additionally, DVD storage devices are notoriously well known to provide improved graphics/sound output over other storage devices and thus, some consumers may prefer programs/movies stored on this format which provides improved output, thereby increasing interest in purchase/use of device.

Additionally, Silverbrook ('290) discloses an equivalent integral printer for operatively enabling printout of images relevant to interactive program on paper (supra), but does not clearly claim or disclose the particular 'printhead and ink supply unit' and print media supply unit (clm 1), 'integral internal print media supply unit' (clm 2) printed out on 'substantially business card size' sheets of paper (clm 4), 'replaceable cartridge assembly' (clm 5), 'print media feed roller device... within the console' (clm 6), 'ink jet printhead' (clm 8), 'page width array of ink jet ejection nozzles... actuators' (clm 9), 'thermal bend actuators' (clm 10) and 'MEMS' (clm 11). Regarding particulars of claims 2, 4-6, and 8-9, ink jet printers are conventional alternative equivalent printers to laser jet or bubble jet printers for providing print out. Further, ink jet printers are

notoriously well known to conventionally include a 'printhead and ink supply unit' and print media supply unit, 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... within the console', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' for providing a hard copy print out. It would have been obvious to an artisan at a time prior to invention to add ink jet printer having 'printhead and ink supply unit' and print media supply unit, 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... within the console', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators' as notoriously well known and conventional as an equivalent alternative to Silverbrook's device (printer) to provide hard copy print out. Alternatively, Matoba discloses a conventional ink jet printing method (figs. 1-51) for a ink jet printer apparatus providing an equivalent 'printhead and ink supply unit' and print media supply unit, 'integral internal print media supply unit' printed out on 'substantially business card size' sheets of paper, 'replaceable cartridge assembly', 'print media feed roller device... within the console', 'ink jet printhead', 'page width array of ink jet ejection nozzles... actuators' and 'thermal bend actuators'. Essentially, Matoba's ink jet printhead is used within a replaceable cartridge which prints on substrate having dimensions of legal, standard paper, envelope or 'substantially business card size' sheets of paper dependent upon application or desired output.

Further regarding MEMS, microelctromechanical processing technique is known alternative formation process to form printhead deemed obvious to add to Silverbrook's multi-

media device or Silverbrook's multi-media device in view of Matoba for forming printhead. Finally, magnetic coupling is known alternative method of attaching/detaching deemed obvious to add to Silverbrook's multi-media device or Silverbrook's multi-media device in view of Matoba as an alternative means for permitting selective attaching/detaching.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is (703) 308-0785. The examiner can normally be reached on T-F from 0700 to 1700. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Tom Hughes, can be reached on (703) 308-1806. The fax phone number for this Group is (703) 872-9303. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

M. Sager
Primary Examiner
Aug. 7, 2002